

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

### No. 2

#### GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

#### Notification

8/4/2001/LA

The Goa Employment (Conditions of Service) and Retirement Benefit (Amendment) Ordinance, 2001 (Ordinance No. 4 of 2001), which was promulgated by the Governor of Goa on 19-9-2001, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 21st September, 2001.

The Goa Employment (Conditions of Service) and Retirement Benefit (Amendment) Ordinance, 2001

(Ordinance No. 4 of 2001)

*Promulgated by the Governor of Goa in the Fifty-second Year of the Republic of India.*

An Ordinance further to amend the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Act 35 of 2001).

Whereas the Legislature of the State of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance namely:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Goa Employment (Conditions of Service) and Retirement Benefit (Amendment) Ordinance, 2001.

(2) It shall come into force at once.

2. *Amendment of section 1.*— In section 1 of the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Goa Act 35 of 2001) (hereinafter referred to as the "principal Act"), in sub-section (3), the following provisos shall be inserted namely:—

"Provided that the Government may, by notification, appoint different dates for different types of industrial establishments:

Provided further that if the Government considers it necessary or expedient to do so, it may postpone or relax to such extent as may be mentioned in the notification, the operation of all or any of the provisions of this Act for such period not exceeding beyond one year from the date on which this Act shall come into force".

3. *Amendment of section 2.*— In section 2 of the principal Act,—

(i) in clause (n) sub-clauses (a) to (h) shall be re-numbered as sub-clauses (i) to (viii) thereof and after sub-clause (viii) as so re-numbered, the following sub-clause shall be inserted, namely:—

“(ix) a factory as defined under the provisions of the Factories Act, 1948 (Central Act 63 of 1948)”;

(ii) after clause (p), the following clause shall be inserted, namely:—

“(pp) “registering officer” means any Officer as may be notified by the Government in this regard for the purpose of sub-section (1) of section 3 of this Act”;

4. *Amendment of section 3.*— In section 3 of the principal Act, after sub-section (2) the following sub-section shall be inserted, namely:—

“(3) A workman who loses the identity card issued to him under sub-section (2) shall immediately make a report about the loss of the identity card to the competent authority as well as to the employer and shall apply for a duplicate card on payment of prescribed charges”.

5. *Amendment of section 6.*— Section 6 of the principal Act, shall be substituted as follows:—

“*Cessation of contribution.*— No contribution by an employer shall be required to be made in accordance with the provisions of section 8 in respect of a workman who has been registered under this Act and issued such identity card after he secures a job of permanent nature having completed 240 days of work as continuous service in any factory or industrial establishment, operation or process or in any public undertaking”.

6. *Amendment of section 8.*— In section 8 of the principal Act, for the expression “within 3 days

from the pay day” the expression “within 21 days from the pay day” shall be substituted.

7. *Amendment of section 9.*— In section 9 of the principal Act, the title of the section shall be substituted as “Payment of benefit” and the following paragraph shall be added at the end, namely:—

“Any workman eligible for the above payment shall apply in the prescribed manner to the competent authority and the competent authority shall, after having satisfied itself about the claim, effect the payment, in such manner as may be prescribed”.

8. *Amendment of section 11.*— In section 11 of the principal Act, for the existing title “Offences” the title “Mode of recovery” shall be substituted.

9. *Amendment of section 12.*— In section 12 of the principal Act, the title thereof shall be omitted and said section 12 shall be re-numbered as sub-section (3) of section 11.

10. *Amendment of section 13.*— Section 13 of the principal Act shall be renumbered as section 12 thereof and after section 12 as so renumbered, the following sections shall be inserted, namely:—

“13. *Other offences.*— If any person contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided, he shall be punishable with fine which may extend to two thousand rupees.

13-A. *Cognizance of offences.*— No Court shall take cognizance of a complaint against an employer under the Act, except on a complaint made by or with the previous sanction in writing of an Inspector under this Act within six months from the date on which the offence or contravention is alleged to have been committed”.

Place: Raj Bhavan, Goa.

Dated: 19-9-2001.

MOHD. FAZAL  
Governor of Goa.